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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,971	01/02/2002	Stephen M. Bisque	Bisque-App	4239

7590 07/28/2006

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/041,971	Applicant(s) BISQUE ET AL.	
	Examiner Mylinh Tran	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-30 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's arguments, see request for Pre-Brief Conference request, filed 03/28/06, with respect to final rejection have been fully considered and are persuasive. The final rejection action mailed 12/30/05 has been withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zweig [US. 2002/0173877].

As to claim 1, Zweig's prior art teaches a computer implemented method and corresponding apparatus for operating an astronomical observatory (page 2,

0016, 0018) comprising the steps/means a set of astronomical hardware, said set of astronomical hardware being located at the observatory site and supplying the means for making celestial observations (page 2, 0018); and controlling said set of astronomical hardware according to and for capturing these observations in a digital format (page 2, 0018, 0021), said browser providing the means for the user to be able to send request to the observatory, and receive the status and results of these requests by utilizing an http protocol (see abstract and page 2, 0019);

Zweig's prior art fails to clearly teach a web browser further providing a graphical interface for the user which may include displays of the status and results of the requests made by the user to various components of the system as they occur in real time a web server, said web server providing the means for transmitting and receiving communications to and from said web browser utilizing an http protocol, said web server further including the capability of controlling said set of astronomical hardware according to requests sent to said web server via said web browser from the user. However, Zweig's current invention teaches a web browser further providing a graphical interface for the user which may include displays of the status and results of the requests made by the user to various components of the system as they occur in real time a web server, said web server providing the means for transmitting and receiving communications to and from said web browser utilizing an http protocol (page 5, 0056); and said web server further including the capability of controlling said set

of astronomical hardware according to requests sent to said web server via said web browser from the user (page 5, 0060, 0061).

It would have been obvious to one of skill in the art, at the time the invention was made, to combine the Zweig's current invention with the teachings of Zweig's prior art. Motivation of the combination would have been for the advantage of simplicity and reliability of the web browser.

As to claim 2, Zweig teaches the set of astronomical hardware including a telescope, said telescope being composed of a telescopic optics system allowing magnified observation of the sky to take place, and a telescope mount capable of controlling the position of the telescopic optics system for the purpose of pointing to, and tracking on, celestial objects (page 2, 0018).

As to claim 3, Zweig teaches that the set of astronomical hardware further including an imaging camera, said imaging camera being located at said telescope, said imaging camera being positioned so as to be able to capture an image of a celestial object at which said telescope is aimed, said imaging camera further capturing said image of the celestial object in a digital format (page 5, 0053, 0056).

As to claim 4, Zweig teaches web server including a request manager, said request manager being responsible for listening for, and responding to requests sent to said web server by said web browser, said request manager further being relied upon to queue requests from said web browser in order to permit said set of astronomical hardware to execute the requests in an orderly fashion,

said request manager also providing the means for sending information back to said web browser utilizing an http protocol (pages 5-6, 0060-0061).

As to claim 8, Zweig provides a telescope manager and a telescope driver, said telescope manager to generate and semi specific directions to said telescope based on requests made by the user, said telescope manager further being able to receive and said telescope driver being capable of translating communications between said telescope and said telescope manager (page 2, 0018 and page 5, 0056).

As to claim 9, Zweig teaches the web server including an imaging camera manager and an imaging camera driver, and send specific directions to said imaging camera said imaging camera manager further serving to process information from said imaging camera as well as acting as an image reducer for images generated by said imaging camera, and said imaging camera driver being capable of translating communications between said imaging camera and said imaging camera manager (page 5, 0053, 0056).

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zweig [US. 2002/0173877].

As to claim 5, Zweig fails to clearly teach a power manager, said power manager providing said web server the means for, at the request of said web browser, being able to power on or off any or components of said set of astronomical hardware. However, controlling the power on or off is well known

in the art because user controls the telescope, the power is automatically controlled. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation of controlling the power manager. Motivation of the combination is to help user to control the astronomical observatory through a web server.

As to claim 6, Zweig fails to clearly teach web server including a user database, said user database containing a list of user account information for use in determining if and when a user should be allowed to control the observatory.

However, it is well known in the art that the user account information is suggested because of a security system. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation of the security system. Motivation of the combination is to help user to control the astronomical observatory through a web server.

As to claim 7, In light of the rejection above, Zweig suggests a user manager, said user manager accessing said user database and using the information contained therein to serve as a gate by which the user must gain entrance if he/she wishes to control the observatory, said user manager further controlling the scheduling of users for control of the observatory at specific times. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation of user manager.

Motivation of the combination is to help user to control the astronomical observatory through a web server.

***Allowable Subject Matter***

Claims 10-30 are allowed.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179



**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**